

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

RAY DEAN WILSON,

Petitioner,

vs.

STATE OF MONTANA, SECOND
JUDICIAL COURT, DEPARTMENT
OF CORRECTIONS,

Respondents.

CV-16-62-BU-BMM

ORDER

Petitioner Ray Dean Wilson (Wilson) filed a Petition for Writ of Habeas Corpus on December 5, 2016. (Doc. 1). Wilson subsequently filed nine separate supplements to his original petition. (Docs. 2, 4, 5, 6, 7, 8, 9, 10 and 11). Wilson was arrested by state law enforcement officers on November 22, 2016, for burglarizing seven storage units. (Doc. 1-1 at 1). Wilson claims he is innocent of the charge. Wilson requests that this Court order his immediate release from state custody. (Docs. 1 at 1; 6, 6-1).

United States Magistrate Judge Jeremiah C. Lynch issued Findings and Recommendations in this matter on January 31, 2017. (Doc. 12). Judge Lynch recommended that Wilson's Petition be dismissed because Wilson had failed to

exhaust his state remedies. (Doc. 12 at 4-7). Wilson did not file objections to Judge Lynch's Findings and Recommendations.

The Court has reviewed Judge Lynch's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Wilson's Petition (Doc. 1) is DISMISSED without prejudice for failure to exhaust his state remedies.
2. A certificate of appealability is DENIED because Wilson has failed to exhaust his remedies in state court.
3. The Clerk is directed to enter judgment accordingly.

DATED this 28th day of February, 2017.



Brian Morris
United States District Court Judge